

KTVU Partnership

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recipient, date, title, and specific subject matter, and explain fully why the Document is no longer available or why the Licensee is otherwise unable to produce it.

Retention of Original Documents. With respect only to Documents responsive to the specific inquiries made herein and any other Documents relevant to those inquiries, the Licensee is directed to retain the originals of those Documents for twelve (12) months from the date of this letter unless (a) the Licensee is directed or informed by the Enforcement Bureau in writing to retain such Documents for some shorter or longer period of time or (b) the Enforcement Bureau or the Commission releases an item on the subject of this investigation, including, but not limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case, the Licensee must retain all such Documents until the matter has been finally concluded by payment of any monetary penalty, satisfaction of all conditions, expiration of all possible appeals, conclusion of any collection action brought by the United States Department of Justice or execution and implementation of a final settlement with the Commission or the Enforcement Bureau.

Continuing Nature of Inquiries. The specific inquiries made herein are continuing in nature. The Licensee is required to produce in the future any and all Documents and information that are responsive to the inquiries made herein but not initially produced at the time, date and place specified herein. In this regard, the Licensee must supplement its responses (a) if the Licensee learns that, in some material respect, the Documents and information initially disclosed were incomplete or incorrect or (b) if additional responsive Documents or information are acquired by or become known to the Licensee after the initial production. The requirement to update the record will continue for twelve (12) months from the date of this letter unless (1) the Licensee is directed or informed by the Enforcement Bureau in writing that the Licensee's obligation to update the record will continue for some shorter or longer period of time or (2) the Enforcement Bureau or the Commission releases an item on the subject of this investigation, including, but not limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case the obligation to update the record will continue until the release of such item.

Definitions

For purposes of this letter, the following definitions apply:

"Any" shall be construed to include the word "all," and the word "all" shall be construed to include the word "any." Additionally, the word "or" shall be construed to include the word "and," and the word "and" shall be construed to include the word "or." The word "each" shall be construed to include the word "every," and the word "every" shall be construed to include the word "each."

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"Broadcast," when used as noun, shall mean audible sounds or language transmitted or disseminated over a station during the course of a radio or television broadcast.

"Broadcast," when used as a verb, shall mean the transmission or dissemination of radio or television communications intended to be received by the public. The verb "broadcast" may be used interchangeably with the verb "air." "Document" shall mean the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made.

"Document" shall mean the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any broadcast, radio program, advertisement, book, pamphlet, periodical, contract, correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minute, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tape, disks and such codes or instructions as will transform such computer materials into easily understandable form).

"Identify," when used with reference to a person or persons, shall mean to state his/her full legal name, job title (if any), current business address, and business phone number. If business address and/or telephone number are not available, state the person's home address and/or telephone number.

"Identify," when used with reference to a document, shall mean to state the date, author, addressee, type of document (e.g., the types of document, as described above), a brief description of the subject matter, its present or last known location, and its custodian.

"Identify," when used with reference to an entity other than a person, shall mean to state its name, current or last known business address, and current or last known business telephone number.

"Licensee" shall mean KTVU Partnership, and any predecessor-in-interest, affiliate, parent company, wholly or partially owned subsidiary, other affiliated company or business, and all owners, including but not limited to, partners or principals, and all directors, officers, employees, or agents, including consultants and any other persons

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working for or on behalf of the foregoing at any time during the period covered by this letter.

Chapuis, Ed (CTV-Oakland)

From: Chapuis, Ed (CTV-Oakland)
Sent: Thursday, August 05, 2010 7:48 PM
To: Pasto, Adina (CTV-Oakland)
Cc: McVay, Tim (CTV-Oakland)
Subject: FCC Complaint

Adina,

I have reviewed the FCC complaint that you received by fax this morning and also shared it with Tim McVay. The complaint alleges "that on April 23, 2010, at about 9:00a.m., the Licensee broadcast certain news clips related to an earthquake and storm, which were from an earlier date, without identifying them as taped, filmed or recorded material. The Complaint alleges that these news stories were "frightening and misleading" to viewers tuning into the broadcast."

We have a DVD of "Mornings on Two" which covers approximately 657am through 902am. At 9am, we went to a regularly scheduled episode of "Dr. Oz" of which we don't normally record and preserve. In reviewing the time "at about 9:00a.m." I couldn't find any earthquake stories. There was a short (:05) image promo for the 5pm News in the commercial break at 9am which included a clip of anchor Gasia Mikaelian saying "We have developing news now .." with a "Developing News" graphic next to her, but it didn't mention any earthquake.

The closest story I could find in Mornings on Two appeared at 822am. It was actually two related earthquake stories and the verbatim of the script is

below. In the our script, we do refer to an earlier quake in Chile while a map appears and later we reference the January quake in Haiti over video. In reviewing the DVD, it appears clear which quakes we were talking about.

Per Tim's suggestion, we should go through our normal procedures for a responding to an FCC complaint. Internally, I'm not sure who all is involved (Rosy Chu, Caroline Chang, Chris Nohr, Jim Haman?) . Also, we I can make copies of scripts and the newscast DVD for our attorney. Would that be Kevin Reed at Cox in DC? Please Advise.

Ed Chapuis
News Director
KTVU Ch. 2 News - Oakland, CA
(510) 874-0395
ed.chapuis@ktvu.com

Anchor Tori Campbell:

IT IS 822 ... THE U-S GEOLOGICAL SURVEY IS DOWNGRADING THE EARTHQUAKE THAT STRUCK CHILE EARLY THIS MORNING ... TO A FIVE- POINT NINE.

(VOICE OVER MAP)

THE QUAKE STRUCK JUST AFTER SIX O'CLOCK LOCAL TIME ... HITTING ABOUT 40 MILES SOUTH OF "CONCEPCION" ... THAT'S THE SAME AREA WHERE THE EIGHT- POINT EIGHT QUAKE HIT IN FEBRUARY ... KILLING HUNDREDS AND LEAVING 800- THOUSAND PEOPLE HOMELESS.

RIGHT NOW .. THERE ARE NO REPORTS OF EITHER INJURIES OR DAMAGE FROM THIS MORNING'S EARTHQUAKE.

(ANCHOR ON CAMERA --- STORY CHANGE)

ONE OF THE MOST DAMAGING EARTHQUAKES IN RECENT MEMORY IS THE JANUARY 12TH QUAKE IN HAITI...

(TAKE VOICE OVER TAPE)

IT'S BEEN 100 DAYS SINCE THEN .. AND WHILE CALLS FOR HELP CONTINUE TO COME IN ... THERE ARE ALSO MESSAGE OF THANKS... FROM EARTHQUAKE VICTIMS AS WELL AS THOSE WHO HAVE BEEN WORKING TIRELESSLY TO HELP THEM.

AND IT'S NOT TOO LATE TO LEND A HAND.

THE RED CROSS IS HOLDING A "TEXTING" FUNDRAISER TO HELP THE MORE THAN ONE- MILLION PEOPLE LEFT HOMELESS IN THE SEVEN -POINT -OH QUAKE.

(WIPE TO SOUND ON TAPE --- SOUND BITE RUNS :17)

Voice of: Suzy DeFrancis / American Red Cross

"What is most exciting about it is it brought in a whole new generation of donors. Forty percent of the people who texted, not surprisingly, were between the ages of 18 and 29. And for many, it was probably the first time in their lives they've had the joy of giving."

(ANCHOR VOICE OVER TAPE CONTINUED VO)

THE AMERICAN RED CROSS HAS ALREADY RECEIVED 400 MILLION DOLLARS IN DONATIONS FOR HAITI AND 32 MILLION DOLLARS OF THAT HAS COME FROM THEIR TEN- DOLLAR TEXTING DONATION CAMPAIGN.

User Complaint Key: 10-C00213590-1

Form 2000E – Media (General) Complaint

Consumer's Information:

First Name: Last Name:

Company Name:

(Complete only if you are filing this complaint on behalf of a company or an organization.)

Street Address or Post Office Box Number: 1

City: **Berkeley** State: **CA** Zip Code: **94703**

Telephone Number (Residential or Business): **Phone:**(

E-mail Address:

***** ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT *****

1. What is the name of the company that is the subject of your complaint? : **FOX NEWS CHANNEL**
2

2. If your complaint is about a radio or television station, provide the following information:

a. Station call sign (e.g., "KDID," "WZUF," "KDIU-FM," "WZUE-TV"): **KTVU**

b. Radio station frequency (e.g., "1020" or "88.5"):
or TV channel (e.g., "13"): **2**

c. Station location: City: **Berkeley** State: **CA**

3. If you are complaining about a cable or satellite operator (e.g., Comcast, Time Warner, DirecTV), provide the following information:

a. Operator name:

b. Operator location: City: State:

4. If you are complaining about a particular program, provide the following information:

a. Network:

b. Program name:

c. Date of program (mm/dd/yyyy):

5. Provide the details of your complaint, including the time, date and nature of any conduct or activity complained of and identifying information for companies, institutions or individuals involved (if not already described above):

Form 2000E – Media (General) Complaint

*** ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT ***

a. Date (mm/dd/yyyy): 04/23/2010 09:00:00:AM

b. Caller is extremely upset and concerned that Fox News begins many of their Broadcasts by broadcasting old news clips. There was an earthquake this morning! A huge storm last night forced many people to higher ground! These are news clips from the past and very frightening and misleading to many people just tuning in. Caller believes these clips shown should not be part of their daily broadcasts and they should be forced to omit them by the FCC.

You may submit this form over the Internet at <http://www.fcc.gov/cgb/complaints.html>, by e-mail to fccinfo@fcc.gov, by fax to 1-866-418-0232, or by postal mail to:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Complaints
445 12th Street, SW
Washington, D.C. 20554

In addition, you may submit your complaint over the telephone by calling 1-888-CALL-FCC or 1-888-TELL-FCC (TTY). If you choose to submit your complaint over the telephone, an FCC customer service representative will fill out an electronic version of the form for you during your conversation. If you have any questions, feel free to contact the FCC at 1-888-CALL-FCC or 1-888-TELL-FCC (TTY).

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT AND THE PRIVACY ACT

The Federal Communications Commission is authorized under the Communications Act of 1934, as amended, to collect the personal information that we request in this form. This form is used for complaints that involve media (general). The public reporting for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, OMD-PER, Paperwork Reduction Project (3060-0874), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR COMPLETED FORMS TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0874.